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DIVISION

IR-1609 (2-1941)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 2005 JAN 26 AM 9:34

In re Patent application of:

Daniel M. Kinzer

Date: January 21, 2005

Serial No.: 09/292,186

Group Art Unit: 2811

Filed: April 15, 1999

Examiner: Shouxiang HU

For: P-CHANNEL TRENCH MOSFET STRUCTURE

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**OFFICE OF PETITIONS**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT**

Sir:

In the above-identified patent application, a Notice of Abandonment dated December 22, 2004 has been received, a copy of which is attached. It is stated in the Notice of Abandonment that because the Board of Patent Appeals and Interferences rendered a decision on September 27, 2004 and the period for seeking court review of the decision has expired and there are no allowed claims, the application is abandoned.

In this application, a Request for Rehearing was filed on November 29, 2004. A copy of the Request for Rehearing as originally filed is attached. In a telephone conversation with Supervisor Eddie C. Lee on January 20, 2005, it was determined that the file for the above application contains no record of Applicant's Request for Rehearing.

As evidence that the Request for Rehearing was mailed and received by the Patent Office, attached hereto is a copy of the postcard receipt that accompanied the correspondence. Note that the postcard receipt both bears the Patent Office stamp and further indicates that the Patent Office received the Request for Rehearing.

Under 37 C.F.R. §1.197(b), Applicant had two months from the date of the Board's original decision to file the Request for Rehearing. It is noted that the two-month period for reply was November 27, 2004, which was a Saturday. Accordingly, under 37 C.F.R. §1.7(a),

Applicant had until the following Monday, November 29, 2004, to timely file the Request for Rehearing.

As evidence that the Request was timely filed, attached hereto is a copy of the Certificate of Mailing (see last page of Request for Rehearing) identifying a mailing date of November 29, 2004. Although the undersigned Counsel cannot personally attest to the previous timely mailing, it is attested that the correspondence was timely mailed given that the stamped postcard receipt also specifies a mailing date of November 29, 2004.

In view of the above, and the evidence submitted herewith, it is respectfully requested that the Notice of Abandonment be withdrawn and this case be returned to the active files for consideration of the Request for Rehearing.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 21, 2005:

\_\_\_\_\_  
Max Moskowitz

\_\_\_\_\_  
Name of applicant, assignee or  
Registered Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
January 21, 2005  
Date of Signature

SHW/GRF:lac

Respectfully submitted,

\_\_\_\_\_  
Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

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New York, New York 10036-8403

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|  |             |                      |                           |                  |
|--|-------------|----------------------|---------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
| 09/292,186   | 04/15/1999  | DANIEL M. KINZER     | IR-1609-(2-1              | 3190             |
| 2352 7590 12/22/2004<br>OSTROLENK FABER GERB & SOFFEN<br>1180 AVENUE OF THE AMERICAS<br>NEW YORK, NY 100368403 |             |                      | EXAMINER<br>HU, SHOUXIANG |                  |
|  |             |                      | ART UNIT                  | PAPER NUMBER     |
|  |             |                      | 2811                      |                  |

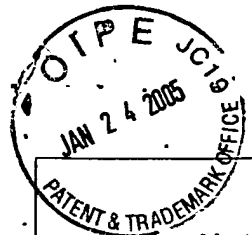
DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

IR-1609  
12-1940  
22-Jan-2005 SHU  
BJK  
SG

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DEC 28 2004



# **Notice of Abandonment**

Application No.

09/292,186

Examiner

Shouxiang Hu

Applicant(s)

KINZER, DANIEL M.

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 9/27/04 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

**SHOUXIANG HU**  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Serial No. 09/292,186 Filing Date 4/15/99 OFGS File No. 2-1941  
Title P-CHANNEL TRENCH MOSFET STRUCTURE  
First Inventor Daniel M. Kinzer Date Nov. 29, 2004  
The PTO has received: Last Due Date: 11/27/04

- ☐ Patent Application of \_\_\_\_\_  
Pages (including claims & abstract)  
☐ Declaration or ☐ Designation Sheet  
☐ Drawings \_\_\_\_\_ Sheet(s)/Figs. \_\_\_\_\_ to \_\_\_\_\_  
☐ Priority Document  
☐ Small Entity Declaration  
☐ Assignment & Conveyance Cover Sheet  
☐ Information Disclosure Statement  
☐ PTO-1449  
☐ Amendment  
☐ Affidavit or Declaration

☒ Request for Rehearing  
☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
Atty/Secy BJK/jh

- ☐ TM Application ☐ ITU Basis  
☐ Statement of Use  
☐ Extension of Time  
☐ Notice of Appeal  
☐ Brief  
☐ Petition  
☐ Status Request  
☐ Issue Fee  
☒ Certificate of Mailing  
☐ Express Mail No. \_\_\_\_\_



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